

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-9-FDW**

KART KALANI SPARKS,

Plaintiff,

vs.

**HENDERSON COUNTY SHERIFFS
OFFICE, et al.,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment as to Defendants John Does ## 1-3 and Jane Doe #1. (Doc. No. 48).

Plaintiff's motion is denied for the reasons stated in Defendants' response brief. That is, because Plaintiff has not identified the John Doe Defendants, they cannot be defaulted. See Redmond v. Leatherwood, No. 06-C-1242, 2009 WL 212974, at *2 (E.D. Wis. Jan. 29, 2009). Second, courts have interpreted the Prison Litigation Reform Act as prohibiting the grant of default judgment unless the identified defendants have failed to respond to the Complaint after being ordered to reply by the Court. See Lafountain v. Martin, No. 1:07-cv-76, 2009 WL 4729933, at *4 (W.D. Mich. Dec. 3, 2009) (collecting cases). Once the discovery period commences, Plaintiff may serve discovery requests on Defendants directly to determine the names of the John Doe and Jane Doe Defendants.

IT IS THEREFORE ORDERED that:

(1) Plaintiff's Motion for Default Judgment, (Doc. No. 48), is **DENIED**.



Frank D. Whitney
Chief United States District Judge

